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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,557	12/19/2005	Andes Monzon	60,469-242; OT-5132 SWO	9849
Theodore W Olds Carlson Gascky & Olds Suite 350 400 W Maple Road Birmingham, MI 48009				
EXAMINER				
KRUEER, STEFAN				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
11/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ANDES MONZON, JOSE CANALES, FERNANDO DEL RIO,
FRANCISCO SANZ and LEANDRE ADIFON

Application No. 10/561,557
Technology Center 3600

Mailed: November 25, 2009

Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 5, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

REPLY BRIEF

On September 29, 2009 the Examiner filed a Reply Brief Noted communication. There is no indication of record that a Reply Brief was filed by the Appellant on September 1, 2009, nor made of record in the Image File Wrapper (IFW). Clarification is required.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated February 6, 2009. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to obtain a copy of the Reply Brief filed September 1, 2009 from the Appellant; and

2) to complete the IFW by having the Reply Brief obtained scanned into the IFW filed; or

3) to vacate the Reply Brief Noted mailed September 29, 2009; and

4) to provide a copy to Appellant(s); and

5) consider the Information Disclosure Statement filed February 6, 2009;
and

6) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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